incident in any way to the employment of selling tickets or acting as agent at a station." The principal case replies to this statement by saying, "In our opinion Bridges, at the time appellee (Raney) was exposed to him, being the ticket agent of appellant and in the discharge of his duties, incumbent upon him as such agent, and appellee being present for the purpose of transacting business with him in the line of his duties to appellant, and the said Bridges, at the time, having the contagious disease of smallpox and knowing that he had it, his knowledge became that of the principal." Of *Long* v. *Railway Co., supra,* EIDSON, J., says, "This case in so far as we have been able to discover, stands alone in holding that notice to the agent in this character of cases does not constitute notice on the part of the principal. * * * We do not think the doctrine in that case is supported either by principle or sound reason and hence we decline to follow it." So the issue is sharply drawn between the two cases. It would seem that the decision of the principal case pronounced the better doctrine not only on the ground of agency but also on the ground of the duty of common carriers to protect the safety of its passengers from the negligent acts of its agents and servants inasmuch as a person is a passenger who enters a station with the intention of purchasing a ticket for immediate transportation. GODDARD, OUTLINES OF BAILMENTS AND CARRIERS, § 326. Moreover, it would seem that the interpretation of the scope of authority by the Kansas court was somewhat strained, as the principal is liable for the negligence of his agent acting in the execution of his undertaking and within the scope of his authority; and the act will be deemed to have been done while the agent was thus acting in the execution of his agency and within the scope of his authority, if he did the act, complained of, while he was engaged, in the course of his employment, in the performance of an act authorized by the principal. MECHEM, OUTLINES OF AGENCY, §§ 253-254.

CONSTITUTIONAL LAW—DELEGATION OF POWER.—The "River and Harbor Act" of March 3, 1899 (30 Stat. at L. 1121, 1153, chap. 425, U. S. Comp. Stat. 1901, p. 3545, § 18), empowers the Secretary of War, when satisfied, after a hearing of the parties interested, that a bridge over a navigable water way of the United States is an unreasonable obstruction to navigation, to require such changes or alterations as will render navigation safe, easy and unobstructed. In 1875, the defendant company, acting under the sanction of a state, erected a bridge over an interstate water way. The Secretary of War, by authority of the act of 1899, directed certain changes and alterations. In a proceeding in the nature of a criminal information against the bridge company for failure to comply with the order, it was ***held*** (Mr. JUSTICE BREWER and Mr. JUSTICE PECKHAM dissenting), that the act in question does not provide for an unconstitutional delegation of legislative and judicial powers, nor does it provide for a taking of private property for public use for which the Federal Constitution requires compensation to be made. *Union Bridge Company* v. *United States* (1907), 27 Sup. Ct. Rep. 367.

This seems to be the first time that these sections, or similar sections of the river and harbor acts have been brought in question in the Supreme

Court of the United States, although similar sections of other acts have been passed upon by the inferior federal courts. Similar sections of the river and harbor act of August 11, 1888 (25 St. at Large, p. 424) were considered by the District Court of the United States in the case of *United States* v. *Keokuk and Hamilton Bridge Company* (45 Fed. Rep. 178), and held invalid. The facts of that case differ somewhat from those of the principal case, but the question of the delegation of legislative powers was raised and discussed at length by JUDGE SHIRAS. The case of *United States* v. *Rider* (50 Fed. Rep. 406), seems to be almost parallel in its facts to the principal case. It arose under sections 4 and 5 of the river and harbor act of September 19, 1890, and the District Court, following *United States* v. *Keokuk and Hamilton Bridge Company, supra,* held those sections unconstitutional. The basis of the court's decision on the first point may be summed up in the following extract from the opinion in *Locke's Appeal* (72 Pa. St. 491): "The legislature can not delegate the power to make laws, but it can make a law to delegate the power to determine some fact or state of things upon which the law makes or intends to make its own action depend." On the second point the court came to the conclusion that the alterations and changes ordered do not constitute a taking of private property for public use for which the Federal Constitution requires compensation to be made, but are rather, incidental injuries to rights of private property resulting from the exercise of the power vested in congress to regulate interstate commerce. The decisions in *Chicago, B. & Q. R. Co.* v. *People,* 200 U. S. 561, 50 L. Ed. 596, 26 Sup. Ct. Rep. 341, and *West Chicago Street R. Co.* v. *Chicago,* 201 U. S. 506, 50 L. Ed. 845, 26 Sup. Ct. Rep. 518, are decisive of this question.

CONSTITUTIONAL LAW—POLICE POWER TO RESTRICT HOURS OF LABOR.—Defendant was prosecuted for employing a female in his factory between the hours of 9 P. M. and 6 A. M. in violation of a clause of § 77 of the Labor Law (Laws 1903) forbidding the employment of minors under the age of 18 years and females in factories, between the hours of 9 P. M. and 6 A. M. *Held,* that such clause was null and void; that it did not involve a valid exercise of the police power but was an infringement of the constitutional right of free contract. *People* v. *Williams* (1906), 101 N. Y. Supp. 562.

The case is of importance as involving two questions of significance in view of the increasing industrial aspect or trend of present day legislation. Has the state the right to regulate the number of hours which a citizen can contract to labor? Can the state discriminate in regulations of this nature between men and women? The general principle that freedom to contract is one of the rights guaranteed by the Fourteenth Amendment is well established. *Lochner* v. *New York,* 198 U. S. 45; COOLEY, "CONSTITUTIONAL LIMITATIONS" (Seventh Edition), p. 889, and cases cited. But it is equally well settled that under the police power the state can establish such regulations governing the hours of labor, the conditions under which such labor is to be performed, etc., as are necessary and expedient to protect the health, safety and morals of the community, FREUND, POLICE POWER (1905 Edition), § 314, COOLEY, CONSTITUTIONAL LIMITATIONS (7th Edition), p. 889;